SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

The importation and recovery of 490,000m3 of inert material to achieve a sustainable landform with restoration to green amenity space with biodiversity. Stone Pit 1, Cotton Lane, Stone, Dartford, Kent, DA9 9ED - KCC/DA/0031/2013

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2013

Application by S Walsh & Sons Ltd for the importation and recovery of 490,000m3 of inert material to achieve a sustainable landform with restoration to green amenity space with biodiversity benefits and temporary ancillary operations including internal access road, weighbridge, site office, welfare facilities, parking and wheelwash at Stone Pit 1, Cotton Lane, Stone, Dartford, Kent, DA9 9ED - KCC/DA/0031/2013

Recommendation: Permission be granted subject to conditions.

Local Member: Penny Cole Classification: Unrestricted

Site and Background

1. Stone Pit 1 extends to an area of 40.9ha and is located in Stone which is located to the north east of Dartford town centre. The southern half of Stone Pit 1 is the subject of this planning application and comprises a total area of 18.7ha. Stone Pit 1 is bounded to the north by Cotton Lane, to the east by Stone Place Road and to the south by the A226 London Road. The western boundary of the site is bordered by a landfill gas management compound, beyond which lies green open space owned by Dartford Borough Council. The wider area is characterised by dense areas of residential properties which are divided by areas of green space including Stone Recreation Ground to the south. The nearest residential dwellings are located adjacent to the immediate east and south of the site along Stone Place Road and A226 London Road.

2. The boundary of the application area was chosen having considered the extent to which differential settlement has occurred over the southern half of Stone Pit 1 and therefore in recognition that this is where additional soils and engineering materials are required to create a sustainable landform.

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Site Location Plan

Item C1

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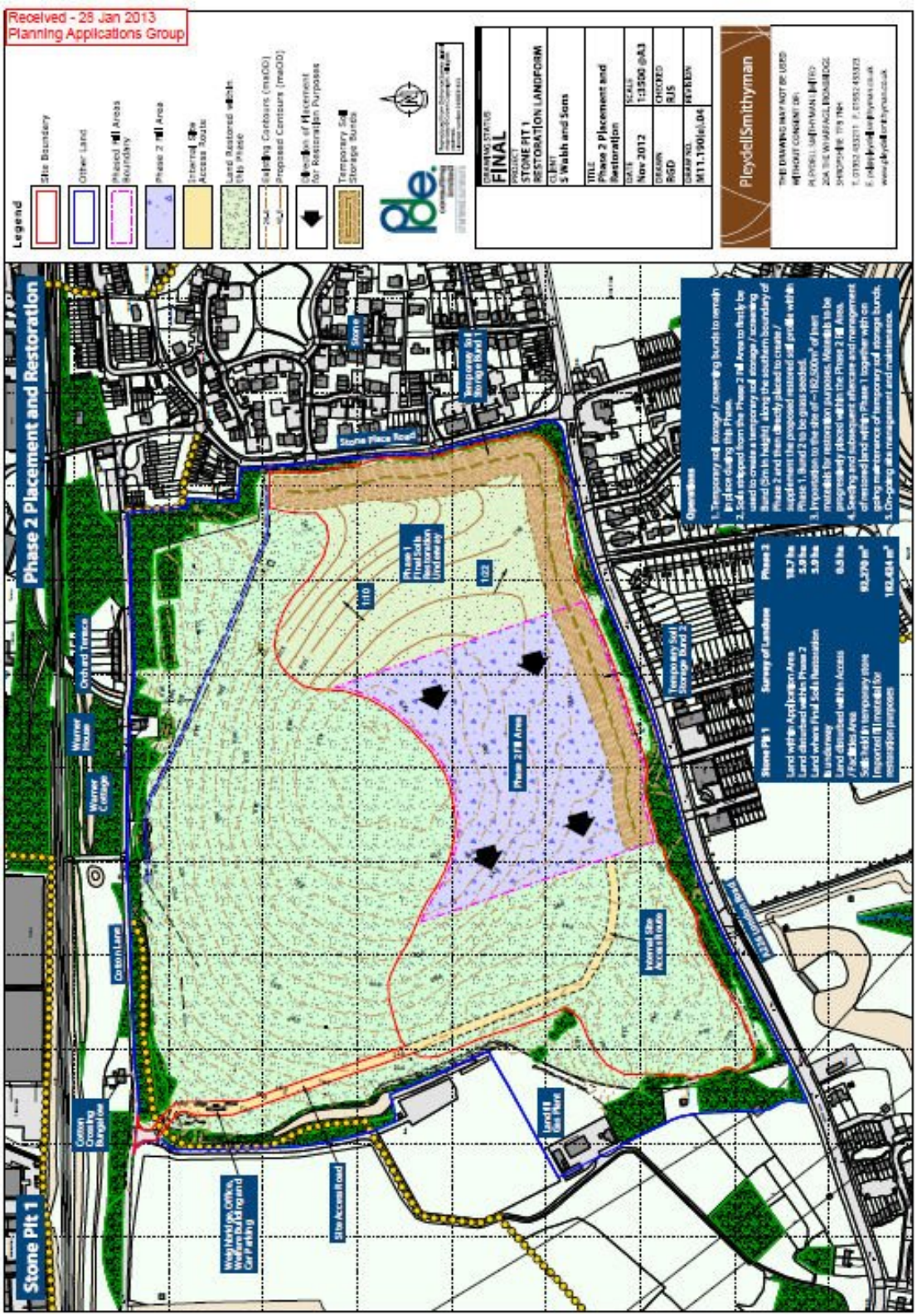

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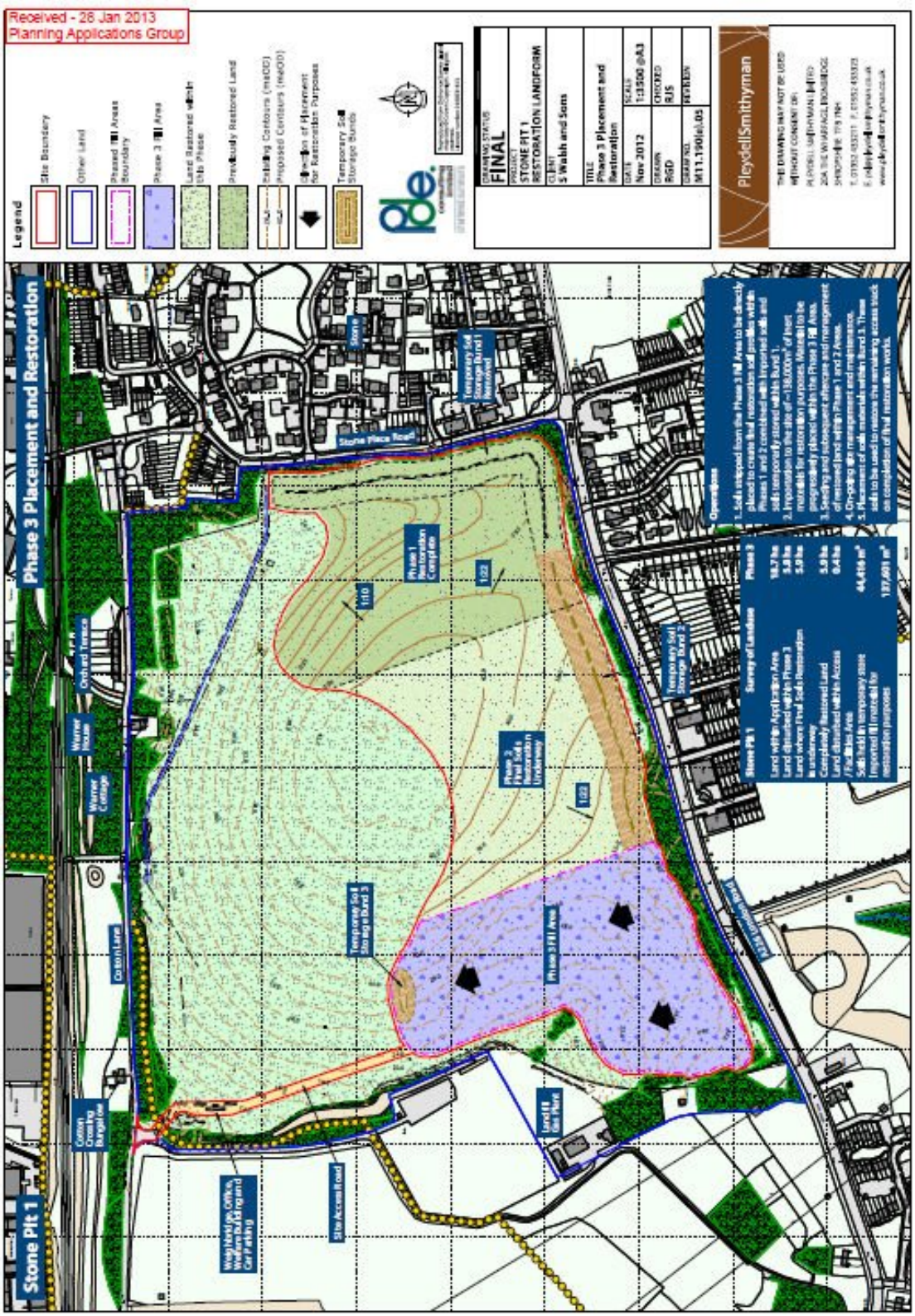
Received - 28 Jan 2013
Planning Applications Group
Legend
Site Boundary
Other Land
Phased Fill Areas Boundary
Phase 3 Fill Area
Land Restored within this Phase
Previously Restored Land
Existing Contours (mAOD)
Proposed Contours (mAOD)
Direction of Placement for Restoration Purposes
Temporary Soil Storage Bunds
DRAWING STATUS
FINAL
PROJECT
STONE PIT 1
RESTORATION LANDFORM
CLIENT
S Walsh and Sons
TITLE
Phase 3 Placement and Restoration
DATE
Nov 2012
SCALE
1:1500 @A3
DRAWN
RGD
CHECKED
RJS
DRAWING NO.
M11.190/el.05
REVISION
PleydellSmithyman
Phase 3 Placement and Restoration
Stone Pit 1
Stone Place Road
Orchard Terrace
Warner House
Warner Cottage
Cotton Lane
Cotton Crossing Bungalow
Weighbridge Office, Workshop and Hardstanding
Site Access Road
Temporary Soil Storage Bund 1 Removed
Phase 1 Restoration Complete
Temporary Soil Storage Bund 2
Phase 2 Final Soils Restoration Underway
Temporary Soil Storage Bund 3
Phase 3 Fill Area
Landfill Gas Plant
Survey of Landuse
Phase 3
Land within Application Area
Land disturbed within Phase 3
Land where Final Soils Restoration is underway
Completely Restored Land
Land disturbed within Access / Facilities Area
Soils held in temporary store
Imported fill material for restoration purposes
Operations
1. Soils stripped from the Phase 3 Fill Area to be directly placed to create final restoration soil profiles within Phases 1 and 2 combined with imported soils and soils temporarily stored within Bund 1.
2. Importation to the site of ~180,000m³ of inert materials for restoration purposes. Materials to be progressively placed within the Phase 3 Fill Area.
3. Seeding and subsequent aftercare and management of restored land within Phase 1 and 2 Areas.
4. On-going site management and maintenance.
5. Placement of soils materials within Bund 3. These soils to be used to restore the remaining access track on completion of final restoration works.

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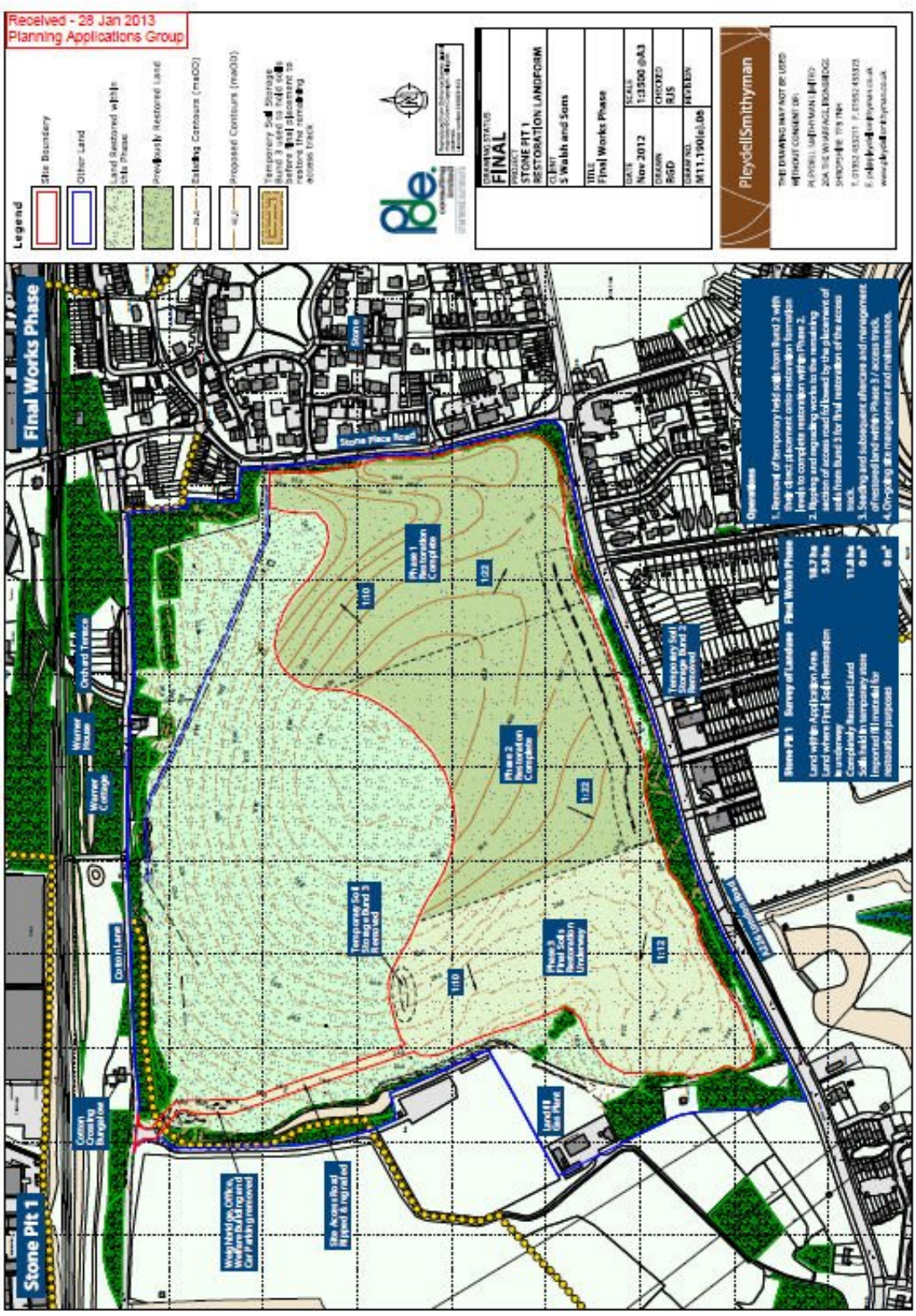

3. Access to the site from Cotton Lane is proposed via an existing entrance in the north west corner of Stone Pit 1. The proposed internal haul road, made up of hardcore, would extend broadly parallel with the western boundary. Access to the Strategic Route Network is proposed via a 400m section of Cotton Lane to the west from where access can be achieved onto the B3228 junction. Access is then available to the M25 to the north and south via junction 1a which is the junction of the M25 with the A282. Welfare facilities, a weighbridge, weighbridge office, wheelwash and parking would be provided at the site entrance. A tractor and brush would also be available at the site to ensure mud and dust are not deposited by vehicles entering onto the highway.

4. Stone pit 1 originally formed part of the Kent Portland Cement Works known as Stone Court Chalk Works. In the 1920's it became part of the Associated Portland Cement Manufacturers (APCM) which was connected to adjacent chalk pits by standard gauge rail lines supplying chalk for the cement industry. APCM later became Blue Circle Industries.

5. In 1981 with the chalk reserves at the site having become exhausted infilling of the site commenced with a mix of inert, semi inert and putrescible waste which continued until 1991. One of the Waste Management Licence conditions required a porous layer to be created at the base of the landfill in order to allow the landfill to operate under 'dilute and disperse' principles. The applicant considers that this method of operation may have been a key contributor to the differential settlement evidenced on site today. Waste disposal operations were followed by progressive restoration commencing in 1984, with completion in 1993. This was undertaken under separate permissions granted by Dartford Borough Council in 1983 which were aimed at counteracting the settlement of waste by overtipping above the adjoining land levels and required restoration to a domed platform which was capable of effectively managing landfill gas and shedding surface waters. However, it was recognised at that time that little was known about the settlement rates of the waste being used in restoration. It was proposed that the final landform be complimented by restoration to agricultural fields, interspersed with small woodland blocks. Records indicate that the final soil profile was comprised of a minimum of 300mm clay cap, 700mm of sub-soils and 150mm of soil forming materials. In the later stages of restoration a gas extraction system was installed which remains in use to control landfill gas generated at the site and which in turn is used to generate electricity fed into the local grid network.

6. The present use of the site comprises rough grassland with areas of scrub and is covered by a network of underground pipes and gas management infrastructure associated with the landfill gas collection system. The whole of Stone Pit 1 is currently the subject of unauthorised use by travellers for the grazing of horses.

7. The landform at present represents a visually unattractive feature in the surrounding landscape context, resulting in adverse impacts upon the visual amenity of local residents and the wider community. Further, as a consequence of the differential settlement which has taken place since the site was last capped and restored, difficulties are experienced in maintaining the integrity of the underlying gas control infrastructure.

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Proposal

8. A planning application has been submitted by S Walsh & Sons Ltd which seeks planning permission for the importation and recovery of some 490,000m³ of inert engineering materials and soils to the application site in order to remediate historic problems associated with differential settlement, with the final outcome being to achieve a long term sustainable landform. This would then form the basis for establishing Stone Pit 1 as a future green amenity space with biodiversity benefits which the applicant considers would help meet the aims of Dartford Borough Council in achieving an appropriate end use at the site.

9. In devising a suitable scheme, the aim is to create a final landform which is broadly in accordance with the originally approved restoration scheme for the site. The proposed final restoration contours would range from 42m AOD at the peak of the site to a low point in the south western corner of 8m AOD. The proposed gradients would ensure that surface waters can effectively shed into drainage ditches on the north and east boundaries and into existing soakaways. This would also enable the effective management of the landfill gas collection system and provide what the applicant considers to be a visually appropriate landform which would form the basis for the future use of the site. The longer term use and management of the site would also enable the current issues associated with the unauthorised activities at the site to be addressed.

10. A Phase 1 habitat survey has been undertaken at the site which forms part of the application, the results of which indicate the presence of reptiles, invertebrates and common species of breeding bird. It is therefore the intention to undertake a translocation exercise prior to the commencement of operations. This would involve fencing off the application site before trapping the reptiles and translocating them into the northern section of Stone pit 1. The intention would be to remove the fencing upon the completion of infilling and restoration by which time suitable habitat would have been created in the southern section the subject of the application.

11. It is proposed to progressively infill the site over 3 separate phases, of roughly equal areas, commencing in the eastern section. Operations in each phase would commence with the stripping and separate storage of topsoils and subsoils along the eastern and southern boundaries prior to the importation and spreading of suitable inert engineering materials. These storage bunds would also help serve as a visual and acoustic screen to neighbouring properties. Upon the completion of each phase of infilling, subsoils and topsoils would be spread across the area prior to being sown with a suitable seed mix aimed at creating a low maintenance species rich meadow grassland. The eastern and southern site boundaries would also be separately planted with a mixture of species rich flora and scrub and tree planting in order to create suitable habitat for wildlife including protected species.

12. It is estimated that infilling and restoration would be completed over a period of some 3 to 4 years, dependant upon the availability of suitable materials. All materials imported to the site would be transported by road in HGVs. It is estimated that the proposed rates of infilling would generate some 79 loads, equating to some 158

vehicle movements per day which, given the proposed hours of working would equate to between some 6 to 9 loads (12 to 18 movements) per hour.

13. The proposed hours of working are as follows:

Monday to Friday: 0730 to 1700 Hours
Saturdays: 0730 to 1300 Hours
Sundays and Public and Bank Holidays: Not operational

14. In order to help reduce the impacts from operations on site it is proposed to minimise the numbers of plant and equipment operating at any one time. The initial topsoil and subsoil stripping operations in each successive phase would be carried out by a bulldozer and 360 degree excavator, with dump trucks used for transporting soils across the site. Inert material would then be brought to the site by lorry and tipped in the working phase. The day to day works associated with the spreading and grading of imported engineering materials and soils would be undertaken with a single low pressure bulldozer. In addition, a Water Bowser would be used on site for dust suppression and a tractor and brush used to ensure mud and other debris are not deposited onto the public highway by vehicles using the site.

15. The completion of infilling and restoration is seen as representing Stage 1 of the overall operations. Stage 2 will involve the submission of various separate planning applications to Dartford Borough Council to establish the future amenity use at the site.

National Planning Policy Context

National Planning Policy Framework (NPPF)

16. At the heart of the NPPF is a presumption in favour of sustainable development which is considered to have three dimensions these being economic, social and environmental. It advises that the planning system should contribute to and enhance the natural and local environment by amongst other matters:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- Preventing both new and existing development from contributing to or being put to unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Planning policies and decisions should also ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any

proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management

17. In the context of this application the key objectives in PPS 10 can be summarised as; providing a framework for delivering sustainable waste management; helping implement the national waste strategy and supporting targets that are consistent with obligations required under European legislation; helping secure the recovery or disposal of waste without endangering human health and without harming the environment; and considering the wider environmental and economic benefits of sustainable waste management.

Waste Strategy for England (2007)

18. The Government's aim is to reduce waste and break the link between economic growth and waste growth by using waste as a resource through more efficient recovery of such materials to secure environmental benefits.

Development Plan Policies

Kent Waste Local Plan 1998 (saved policies)

19. Policy W5 (Proposals for the disposal of waste by landraising); W12 (Proposals which will assist in the restoration of mineral workings); W18 (The need for adequate noise, dust and odour controls along with the need to control landfill gas emissions); W19 (Protection of ground and surface water interests); W20 (Need to take account of land settlement, stability, drainage and flooding and minimisation of rainwater infiltration); W21 (Safeguarding of ecological interests); W22 (Access);W31 (Landscaping); W32 (Aftercare in order to secure an appropriate afteruse).

The Dartford Core Strategy (September 2011)

20. Stone Pit 1 is designated within the Dartford Core Strategy Adopted September 2011 as an area for green space enhancements. The aspirations of Dartford Borough Council include Stone Pit 1 as part of: *"a distinctive network of multifunctional green spaces defining each community and serving recreational and biodiversity functions."* The steep slopes associated with the southern edge of the landform as it exists at present would make access and day to day use very difficult and even dangerous due to the steepness of the slopes, the areas of standing water and the presence of the gas management infrastructure at the surface of the Site.

Policy CS1: Spatial Pattern of Development

1. In order to maximise regeneration benefits, promote sustainable patterns of development and protect less appropriate areas from development, the focus of the development will be on three priority areas.

a) Dartford Town Centre and Northern Gateway – revitalisation of the town centre as a shopping, leisure and service centre for the surrounding communities, and complementary redevelopment of redundant land at the Northern Gateway to create a mixed community of homes and jobs supporting the town centre;
b) Ebbsfleet to Stone – bringing back into productive use former chalk quarries and integrating existing communities with the new facilities these developments can provide; and
c) The Thames Waterfront – bringing life and activity to the riverside through redevelopment of sites no longer required for their former uses and creating attractive mixed use development that provided public access to the river.

2. For groups of sites where opportunities can be maximised by co-ordination of developments to achieve joint objectives and develop a coherent vision, the Council will seek the preparation of a masterplan or development brief to inform relevant planning applications. Preparation to be with the full involvement of the Council, relevant landowners/developers, local communities and other interested parties."

Policy CS4: Ebbsfleet to Stone Priority Area

1. In the Ebbsfleet to Stone area, the Council will promote a chain of distinctive and individual but linked communities, existing and new. These will sit alongside a range of facilities of a regional and sub regional scale and quantity, generating vibrancy in the area and providing local access to a wide choice of jobs, retail, leisure and community facilities. Development of the area will continue beyond 2026. The Council will work with its partners to achieve the following outcomes:

a) New residential communities focused on Ebbsfleet Valley and Stone, providing up to 7,850 homes within the Plan period, with a further development beyond 2026;
b) Local community facilities, with a new primary school, GP premises, an enhanced community meeting place and improved facilities at Stone. A range of facilities in the Ebbsfleet Valley (see Policy CS5) to support the new residents and enhance the provision for existing residents, in particular, a new secondary school and its sporting facilities and a lifelond learning centre at Eastern Quarry. All new development will be required to contribute proportionally to the land and build costs of facilities, in relation to the demand generated by that development. (see also Policy CS26/1b);
c) 9,700 jobs in offices and other B1 uses, provided within the Plan period, with a concentration of these in the Ebbsfleet Valley;
d) A distinctive network of multifunctional green spaces defining each community and serving recreational and biodiversity functions. This will include natural habitat enhancement and making existing spaces publicly accessible at Craylands Gorge, St Clements Valley, the eastern end of Stone

Lodge and the former Stone House Hospital; creating new spaces in the Ebbsfleet Valley and at St James Lane Pit; and improvements to Stone Recreation Ground;

e) A centre of excellence for Sport and Recreation at Stone Lodge, expanding on the existing Olympic-level provision on the site;

f) Physical integration of Bluewater with the existing and proposed residential communities surrounding it, with footpaths, cycle paths and buses, including Fastrack. Options for the evolution of Bluewater which provide for a wider range of uses will be explored with the owners and relevant stakeholders, where this can provide synergies with Ebbsfleet and does not adversely impact on neighbouring town centres (see also Policy CS12);

g) Linking of communities, facilities and key activity hubs through the Fastrack bus network, with a new link from Ebbsfleet through Eastern Quarry to Bluewater; and Restoration of Stone Pit 1, Cotton Lane, Stone, Dartford, Kent

h) Built development reflecting the varied heritage of the area in order to create a sense of place. Provision of interpretation facilities, focusing on recent quarry-related industrial heritage as well as activity from earlier archaeological periods. The archaeological potential of parts of the Ebbsfleet Valley should be assessed prior to development through a desk-top study, and investigated via fieldwork, where the desk-top study indicates that this will be necessary, or through an archaeological watching brief. The approach to any finds of significance will be determined through an Archaeological Strategy or Framework, agreed in partnership with KCC. Where there is an approved archaeological strategy as part of an extant planning consent, this will take precedence over this part of the policy.

2. Proposals at Stone will be required to demonstrate, through a Travel Plan, adequate traffic management measures to address capacity issues on London Road, taking into account all proposed developments in Stone. Measures may include provision for local highway and public transport improvements.

Emerging policy

21. Draft Kent Minerals and Waste Plan

Policy CSW9 (Inert Waste Management Provision)

"…In order to restore quarries which have a capacity and a need for inert waste landfill for restoration purposes, the non-recyclable fractions of Construction, Demolition and Excavation (CDE) wastes will be targeted at quarry restoration projects as a priority."

Policy CSW11 (Inert Waste Landfill)

Planning permission for the disposal of inert waste will be granted where:

(a) it can be demonstrated that the waste cannot be managed in a more sustainable way;
(b) it is for the restoration of a mineral working or despoiled land;
(c) it can be demonstrated that the use of inert waste in the development will not have an adverse effect upon the timescale for the completion of restoration of existing mineral workings within the district or any adjoining district;
(d) environmental benefits will result from the development;
(e) that sufficient material is available to restore the site within agreed timescales; and
(f) the proposal does not cause unacceptable harm to the environment or communities.

Policy CSW12 (Closed Biodegradable Landfill Sites)

Permission will be granted for development that reduces the effects on the environment of closed landfill sites which contain biodegradable waste for any of the following purposes:

- development for the improvement of restoration for an identified after use for the site;
- development for the reduction of emissions of gases or leachate to the environment; or
- development making use of gases being emitted and which will reduce the emission of gases to the environment, and development will not cause unacceptable harm to the environment or communities."

22. **Consultations**

Dartford Borough Council: No objections are raised subject to a temporary time limit of 5 years to complete infilling and restoration, HGV routes to be agreed in order to avoid local roads as far as possible and the continued monitoring of landfill gas.

Stone Parish Council: The council reiterates previous comments supporting the regeneration of Stone Pit 1 to enable long-term benefit to be provided to the Parish of Stone. The council recognises that some impact will be felt, particularly by residents neighbouring the site, but is satisfied sufficient measures have been proposed to mitigate as far as possible noise, dust, and visual impacts. It is also felt that the disadvantage of any short-term inconvenience will be more than outweighed through the long term benefit derived from a new community resource and green space.

Members did raise concerns regarding increased traffic generation to Stone, particularly as proposed access can be adversely affected by problems at Darftford Tolls. Members were keen to see the introduction of any meansures or conditions that might be appropriate to direct lorries via the M25 and Junction A1 as opposed to travel through Stone using local trunk roads.

The council was also pleased to see reference to a liaison group through which local residents and other stakeholders can address operational concerns and other matters.

In the absence of a S106 agreement, the council will also be keen to discuss options with the applcant to enable some community benefit to be realised through the duration of the infill exercise.

Biodiversity: No objections are raised subject to the following conditions

- A reptile mitigation strategy should be submitted to include:
  - Proposed management of the site to enhance it for reptiles prior to translocation
  - Details of ongoing management
  - Locations of hibernacula
  - Details of monitoring
- The submission of a management plan to be submitted taking into consideration future use of the site as a recreation site.

County Archaeological Officer: No objection.

English Heritage: No objection.

Environment Agency (Kent Area): No objections are raised subject to conditions requiring the submission of a risk assessment to identify whether the proposed development would result in an increased discharge of leachate from the site, a scheme of leachate management in the event that it is deemed necessary. The EA have also requested the imposition of a condition to prevent an increase in flood risk by ensuring that attenuation storage volumes are maintained.

Highways Agency: No objection.

Kent Highway Services: No objection subject to a condition requiring the existing access to be improved including the existing visibilty splays and to a requirement for a pre-condition survey of the local highway network to be undertaken prior to commencement and for any subsequent deterioration due to the vehicle movements associated with the development to be remediated.

Jacobs (Noise and Dust): Whilst not raising any objection in principle, sought further clarification on the precise nature of plant and machinery to be used and their minimum distance when operating at their nearest to noise sensitive receptors. Also querried the measured noise levels of the bulldozer to be used at the site to predict the noise levels generated at the nearest noise sensitive properties. No objection subject to conditions controlling dust emissions and the submission of a Construction Environmental Management Plan which shall provide for the installation of wheel washing facilities at the site entrance and include a protocol for the site to undertake inspection during times of high winds to ensure dust is not emanatingfrom the site to nearby receptors.

Natural England: Natural England provide the following (summarised) comments:

Designated Sites – No objection.

Soils – the achievement of a successful after use is likely to be dependant upon the creation of a suitable landform with a restored soil profile without any significant compaction. Considerations include:

1. A uniform soil profile should be restored across the site comprising subsoil over which the topsoil is placed.
2. restoration should produce a restored soil profile without significant compaction. Soil and soil-formaing material should only be handled when in a dry and friable condition, when land conditions are dry and there are no pools of water on the surface.
3. the restored landform should facilitate the after use, paying attention to land drainage.
4. advice on good practice for handling soils and subsoiling is available in MAFF's Good Practice Guide for Handling Soils

Protected Species – it is noted that a translocation exercise is proposed for the common lizard. NE refer the County Council to our own Ecologist (see comments above),.
Access and Recreation – NE encourages the reinstatement of existing footpaths, new footpaths and bridleways, as well as links to green networks
Other advice – NE expect Planning Authorities to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character

Biodiversity Enhancements – This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. NE welcome the proposal to include e.g. a 15.4 ha wildflower meadow.

The authority should also consider securing enhancement measures for the biodiversity of the site from the applicant, if it is minded to grant permission for this application in accordance with paragraph 118 of the NPPF.

Landscape Officer: No objection subject to a condition requiring the submission of a management plan to outline the long-term management required to achieve biodiversity aims.

UK Power Networks: No objection.

Thames Water: No Objection but recommend a condition requiring the provision of petrol/oil interceptors in all car parking/washing/repair facilities

KCC Technical Officer: Agrees with the principle of re-engineering the site with inert waste subject to the integrity of the existing clay cap being maintained.

Southern Gas Networks: No objection subject to measures being put in place to safeguard their apparatus in the vicinity of the site.

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Local Member

23. The local County Member, Ms Penny Cole was notified of the application on 6 February 2013.

Publicity

24. The application was publicised by the posting of a site notice(s), an advertisement in a local newspaper, and the individual notification of 905 residential properties.

Representations

25. In response to the publicity, 5 letters of representation have been received, 4 of which were supportive in principle subject to suitable controls to help reduce impacts from noise and dust together with measures to protect ecological interests. 1 has maintained their objection on the grounds of unacceptable impacts from noise, dust and traffic.

Discussion

26. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan, unless other material considerations indicate otherwise. The application for the importation and recovery of 490,000m³ of inert material to Stone Pit 1 will need to be examined having regard to both national guidance and the relevant development plan policies applying to the site along with other relevant material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised under the following headings:

- Need
- Noise and Dust impacts
- Traffic
- Biodiversity

Need

27. The NPPF gives a presumption in favour of sustainable development and advises that the planning system should contribute to and enhance the natural and local environment by amongst other matters:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- Preventing both new and existing development from contributing to or being put to unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

28. Planning policies and decisions should also ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

29. Helping to secure the recovery of waste using it as a resource is also one of the key objectives set out in PPS10.

30. This former landfill site has been subject to differential settlement since it was last capped and restored in the mid 1990's, where, especially during periods of heavy rainfall, several areas of the site become ponded. This has also led to the gradual deterioration of the landfill gas collection system previously installed at the site and which in my view, if this deterioration is allowed to continue, could result in landfill gas migrating off site to the detriment of nearby local residents. The resultant landform has become visually unattractive resulting in adverse impacts on the local visual amenity.

31. The current application is driven by the need to undertake what the applicant considers are essential remediation works in order to ensure that the site can be suitably engineered to prevent any offsite pollution issues in the future. The applicant also considers that the proposed development should be seen as representing stage 1 of the overall development of the area, and would also help facilitate Dartford Borough Council's long term aspirations of securing multifunctional green spaces designed to serve recreation and biodiversity spaces for the separate local communities located in the Ebbsfleet to Stone Priority area as set out in Policy CS4 of the Dartford Draft Core Strategy (September 2011).

32. In my opinion there are sound planning reasons for granting permission for the development as set out above, which if Members are minded to grant, would be consistent with the advice set out in the NPPF, PPS10 and Policy CS4 of the Dartford Core Strategy along with other relevant development plan policies applying to the site. In considering the proposal, the need for the development needs to be weighed against other material considerations as set out below.

Noise and Dust Impacts

33. Whilst concerns have been raised over adverse impacts from noise and dust, the applicant is proposing measures to mitigate these impacts. This includes employing the use of a bowser on site which would be used during dry conditions. I am also mindful of advice from Jacobs who recommend the submission of a Construction Environmental Management Plan which amongst other matters should include a protocol for regular

inspections of the site during times of high winds to ensure dust is not emanating from the site to nearby receptors.

34. With regard to noise, the application is accompanied by a separate noise report which, having regard to existing background noise levels monitored at the nearest residential properties during the proposed hours of working, has assessed what increase if any there would be during the infilling and restoration operations. The background measurements monitored were found to be largely influenced by road traffic noise, both from vehicle movements on local roads such as London Road and Stone Place Road and also on the Dartford Crossing and the A282/M25 motorway to the northwest. The assessment also included a noise survey of the plant proposed to be used at the site taken at one of the applicant's existing sites. The measurements taken were then used to predict any increase above existing background levels at the nearest noise sensitive properties when the plant is operating at the site. This took into account the attenuation that would be provided by the creation of the 5m high soil bunds along the southern and eastern boundaries of the site. The calculated site noise levels have been shown to reduce due to screening from the bunds, and in most cases the site noise levels have reduced to below the average background noise level at the receiver locations. Where site noise is predicted to be above existing background levels this would only be for a relatively short period during the initial operations when they are taking place nearest to residential properties. However they would not exceed 55dB(A) LAeq, which is the maximum permitted as set out in the NPPF.

35. During the formation of the proposed soil bunds required for noise migration along the eastern and southern boundaries of the site, these activities would be unscreened from the surrounding residential properties. The noise assessment predicts that noise levels during this particular temporary activity would be able to comply with an upper site limit of 70 dB LAeq, when measured at the nearest noise sensitive properties. However, given that such activities can bring longer–term environmental benefits to the site temporary daytime noise limits of up to 70 dB LAeq are allowed under the NPPF for periods of up to 8 weeks in any year. In order to comply with the NPPF The applicants have confirmed that such operations would not be carried out for more than 8 weeks in any one year.

36. In order to further reduce impacts from the proposed development, in addition to minimising the operation of plant and equipment at any one time the applicants propose that operations on Saturdays are restricted to the importation of restoration material only, which is the key to ensure that restoration can be achieved in a timely manner and therefore there would be no operation of plant or machinery, other than HGV's used to import the materials.

37. In the event that Members are minded to grant permission I would recommend that conditions be imposed which stipulate maximum noise levels as required by the NPPF as referred to above. In order to ensure compliance with such restrictions I would further recommend that a condition be imposed requiring the applicants to undertake routine noise monitoring at the site. I would also recommend a condition restriction operations on Saturdays to the importation of materials only. With such controls in place and having regard to government advice along with comments made by statutory

consultees, I am satisfied that there are no overriding grounds for refusing the application on noise.

Traffic

38. The application was also supported by a separate Transport Statement to assess the impact of the proposed development on the local highway network. It is estimated, given the anticipated rates of infilling, that the proposal would generate some 79 loads/158 movements per day which given the proposed hours of working would equate to between some 6 to 9 loads (12 to 18 movements) per hour.

39. Following formal consultations no objections have been raised by either the Highways Agency or Kent Highway Services (KHS). However, KHS require the width of the existing site entrance to be provided such that a situation does not arise whereby any arriving vehicles have to wait in Cotton Lane to allow another vehicle to leave. This would need the entrance to be in the order of 7.3 metres in width for some 10 metres back from the edge of the carriageway. The applicants state that the existing site entrance has been blocked with fencing and concrete barriers to narrow the opening as it is not currently in frequent use (*with the exception of when vehicles visit the site to undertake routing monitoring and maintenance of the existing land fill gas compound*). The gate to the entrance is also kept locked, and would not be wide enough to accommodate opposing HGV movements. It is therefore proposed to improve the entrance in accordance with the recommendations of KHS. Once improved KHS require the existing visibility splays to the west to be maintained, however they do not require any improvements to the width of Cotton Lane itself given that the forward visibility is good and the estimated level of traffic that would be generated would in their view be insufficient to cause a problem. However, in accordance with a commitment made in the Transport Statement, KHS require prior to the commencement of operations that the surface of the carriageway is inspected with the Highway Authority and any subsequent deterioration due to the vehicle movements associated with the project remediated.

40. Should permission be granted I am satisfied that all of the issues raised by KHS can be satisfactorily covered by condition to the extent that there would be no adverse highway impacts. Further, in order to address concerns raised by Dartford Borough Council and Stone Parish Council over the need for vehicles to avoid local roads as far as possible, I would recommend that an additional condition be imposed requiring signs to be erected at the site exit instructing all vehicles to exit the site via the west and for all drivers who visit the site to be issued with instructions on the routes to used by vehicles, details of which are to be submitted and approved by the County Planning Authority.

41. I am satisfied that with the imposition of the above proposed highway conditions, there are no overriding highway grounds for refusing the application.

Biodiversity

42. The application is supported by a Phase 1 habitat survey, the results of which indicate the presence of protected species. It is therefore the intention as the first stage of the operations to trap and translocate these into the adjoining northern section of Stone Pit

1, with the aim that once infilling and restoration of the southern application area has been completed the whole of stone pit site would become available for biodiversity enhancements.

43. Natural England have raised no objection to the proposal on ecological grounds and consider that it may provide opportunities to incorporate features into the design which are beneficial to wildlife. They advise that if the County Council is minded to grant permission it should consider securing enhancement measures for the biodiversity of the site in accordance with the NPPF which encourages opportunities to incorporate biodiversity in and around developments.

44. The County Council's Biodiversity officer, whilst raising no objection, has recommended that conditions be imposed on any future permission requiring the prior submission and approval of a reptile mitigation strategy together with the submission of a management plan which takes into account the future use of the site. This requirement is also supported by the County Council's Landscape Officer.

45. I am satisfied that provided any future permission includes conditions as required by the County Council's Biodiversity Officer, the proposal would help meet the objectives of the NPPF in securing a net gain for the purposes of biodiversity. Accordingly I do not consider there are any overriding nature conservation or ecological grounds for refusing the application.

Conclusion

46. Following formal consultations no objections have been raised by statutory consultees subject to the imposition of suitable conditions controlling operations. Notwithstanding the objections that have been raised by local residents, I am satisfied that with imposition of the conditions required by consultees, these will ensure that any impacts from the development including those from noise, dust and traffic along with ecological mitigation measures, would ensure such impacts can be kept to an acceptable level. The applicant has also proposed that subject to permission being granted, a series of Liaison Meetings are held on a regular basis throughout the duration of operations as a means of keeping the local community informed of progress on the restoration of the site and also deal with any site specific issues that may arise during these activities. I therefore consider a sufficient case of need has been demonstrated to outweigh those impacts taking into account the relatively short duration of the operations when measured against the benefits that would derive in the longer term. In my view the proposal is fully consistent with the objectives of the NPPF in that it represents a sustainable form of development and that it also accords with the relevant development plan policies applying to the site. Accordingly, I recommend that permission be granted.

Recommendation

47. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following: 5 year time limit for completion of operations, hours of working, access improvements, pre – condition

survey of carriageway, vehicle movements, ecological mitigation strategy, groundwater protection, surface water storage, noise restrictions and monitoring and vehicle routing.

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Background Documents: see section heading